

REMARKS

A check for \$225 for a two-month extension of time accompanies this response. Any fees that may be due in connection with the filing of this paper or with this application may be charged to Deposit Account No. 06-1050. If a Petition for Extension of time is needed, this paper is to be considered such Petition. Claims 1-21 and 25-28 are currently pending in this application.

TRAVERSAL OF REQUIREMENT FOR ELECTION OF SPECIES

Applicant respectfully traverses the requirement for election of species as currently set forth. It is respectfully submitted that the requirement is improperly set forth because it is not comprehensive and does not encompass all species of photosensitizing agent encompassed by the generic claims. Claims 1-21 and 25-28 are generic claims. Claims 1-8, 10-21 and 25-27 are directed to methods for destroying or impairing target cells that include as a step administering a photosensitizing agent. Claim 9 depends from claim 1 and recites that the photosensitizing agent absorbs light in a range of 600 nm - 1100 nm. Claim 28 depends from claim 9 and recites that the photosensitizing agent is selected from the group consisting of chlorins, bacteriochlorins, phthalocyanines, porphyrins, purpurins, merocyanines, psoralens, benzoporphyrin derivatives (BPD), porfimer sodium, aminolevulinic acid, indocyanine green, methylene blue, toluidine blue and texaphyrins. Thus, it appears that the Examiner has selected the photosensitizing agents from claim 28 to set forth the Requirement for Election of Species. Applicant respectfully submits that the list in claim 28 is not comprehensive and limits Applicant's choice. Claim 1 is a generic claim that covers the species set forth in the requirement **and** additional species. For example, the specification teaches that photosensitizing agents include those that absorb light in a range of 500 nm -1100 nm (e.g., see page 7, lines 3-9). As currently set forth, the Requirement for Election of Species does not afford Applicant the opportunity to elect a species of photosensitizing agent that absorbs light in a range less than 600 nm. Therefore, the Requirement for Election of Species as set forth is improper.

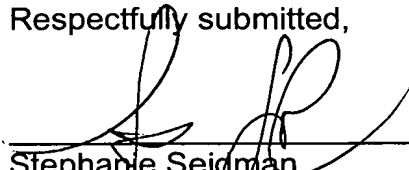
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Applicant : J. Chen
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Election of Species

In view of the provisional election of species and remarks herein, reconsideration of the requirement for election of species and examination of all claims on the merits are respectfully requested.

Respectfully submitted,



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